



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board North Coast Region

William R. Massey, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



**Arnold
Schwarzenegger**
Governor

October 11, 2006

Ms. Crystal Acker
Sonoma County PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403

Dear Ms. Acker:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Bennett Valley Road at Holland Drive Stormwater Ditch Maintenance Project, Sonoma County

File: Bennett Valley Road Stormwater Ditch, Sonoma County, WDID# 1B06129WNSO

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341). On August 29, 2006, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Crystal Acker of the County of Sonoma Permit and Resource Management Department (County of Sonoma PRMD) on behalf of the Sonoma County Department of Transportation and Public Works(Sonoma County DOT), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Bennett Valley Road at Holland Drive Stormwater Ditch Maintenance Project (Project), Sonoma County. The proposed project causes disturbances to Waters of the State associated with the Russian River Hydrologic Area No. 114.20. The Regional Water Board received an application and processing fee in the amount of \$500.00 on August 29, 2006.

Information describing the project was noticed for public comment on the Regional Water Board's website on October 11, 2006. Under Title 23, California Code of Regulations, Section 3858(a): "The executive director or the executive officer with whom an application for certification is filed shall provide public notice of an application at least twenty-one (21) days before taking certification action on the application, unless the public notice requirement has been adequately satisfied by the applicant or federal agency. If the applicant or federal agency provides public notice, it shall be in a manner and to an extent fully equivalent to that normally provided by the certifying agency. If an emergency requires that certification be issued in less than 21 days, public notice shall be provided as much in advance of issuance as possible, but no later than

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simultaneously with issuance of certification." Due to the nature of emergency associated with this project, 401 Water Quality Certification will be issued during the 21-day public comment period. Public comments will still be accepted and reviewed during the entire 21-day comment period; ending November 1, 2006, and the Order may be modified based on public comments.

Project Description: The Project is located in Sonoma County, near the intersection of Bennett Valley Road and Holland Drive, Santa Rosa, Sonoma County, California. The purpose of the Project is to remove three Arroyo willow saplings and accumulated material from the stormwater ditch as well as repairing erosion in the ditch.

The Project will remove three Arroyo willow saplings and accumulated sediment from an approximately five-foot by ten-foot portion of an existing stormwater ditch located at the intersection of Bennett Valley Road and Holland Drive. The willows that are to be removed trap sediment and debris, and appear to be causing upstream bank erosion by restricting flow and causing backwater conditions in the channel during high storm flows, the entire rootwad of the willows is to be removed to prevent re-growth. Up to two cubic yards of silt and gravel material may be excavated during removal of the willows.

In addition to the removal of the willows, slope repair and bank stabilization will occur immediately upstream of the willows in an area approximately five feet wide and twenty feet long. A keyway will be constructed in the channel bottom and rock slope protection (RSP) will be placed overtop to a height of approximately six-feet. Soil reclaimed from the removal of the keyway will be used to back fill over the RSP so as to provide a suitable substrate for plant growth. The repaired top of bank and all exposed soils will be covered with erosion control straw and a native seed mix will be hand broadcasted to encourage permanent erosion control.

All work will be conducted using an excavator or backhoe from the top of bank. No motorized heavy equipment will be operated in the channel. All excess removed material will be located outside of the channel to an appropriate upland location.

Receiving Water: Waters of the State and Waters of the U.S. associated with the Russian River Hydrologic Area No. 114.20.

Federal Permit: The project applicant has applied to the U.S. Army Corps of Engineers (ACOE) for a Clean Water Act Section 404 Nationwide Permit (Pending).

State and Local Approvals: In a letter dated September 29, 2006 the California Department of Fish and Game (DFG) declined to take jurisdiction over the project.
Notification number 1600-2006-0653-3.

Filled or Excavated Area: Total Area Impacted: 0.002 acres of Waters of the State and Waters of the U.S. habitat
Area Temporarily Impacted: 0.00 acres
Area Permanently Impacted: 0.002 acres

Total Linear Impacts: 30.0 linear feet impacted
Length Temporarily Impacted (Restored): 10.0 linear feet
Length Permanently Impacted (Not Restored): 20.0 linear feet

Compensatory Mitigation: Compensatory mitigation for this project will be attained through the planting of a minimum of three trees or shrubs on the top of bank on the north side of the ditch above the reconstructed slope. Species may include, but are not limited to, coast live oak (*Quercus agrifolia*), California buckeye (*Aesculus californica*), madrone (*Arbutus menziesii*), ceanothus (*Ceanothus* spp.), manzanita (*Arctostaphylos* spp.), toyon (*Heteromeles arbutifolia*), and coyote brush (*Baccharis pilularis*). Only species native to Sonoma County will be planted. Maintenance activities would include irrigation, weed control, and protection from herbivores. At the end of five years, a summary report will be submitted to the Regional Board. The report will include photo-documentation of survival of a minimum of three trees and/or shrubs.

Non-compensatory Mitigation: Non-compensatory mitigation measures include post construction erosion control measures as detailed above. No equipment will be stored in the channel and no equipment or tools will be washed in an area where the water will be allowed to run into the channel. All fill material used on the site will be clean and free of contaminants.

Post-construction Storm

Water Pollution Prevention: Not applicable.

CEQA Compliance: The County of Sonoma PRMD, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project is categorically exempt under Section 15301(c)—Minor Alteration to Existing Facilities pursuant to CEQA.

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23) 23 CCR 3867.
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, CCR 23 and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23 and owed by the applicant.

Additional Conditions: Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

1. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into Waters of the State. When operations are completed, any excess

material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream, Waters of the State or Waters of the United States.

2. Best Management Practices for sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters.
3. All fill material used on the site shall be clean and free of contaminants. A characterization report for all imported fill materials shall be provided to the Regional Water Board prior to the commencement of grading work.
4. A copy of this Order must be provided to the contractor and all subcontractors conducting the work, and must be in their possession at the work site.
5. Monitoring Requirements – Construction and restoration work shall be implemented, and the monitoring shall follow the plan as proposed in the Application for 401 Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill), received August 29, 2006, including:
 - a) Restoration/vegetation will be monitored for 5 years with 100 percent survival of three trees and/or shrubs at the end of 5 years. A completion report will be submitted immediately after completion of the project, including a description of how the project proceeded and any deviations from planned activities, and photos of the project from start to finish. A monitoring report will be submitted (including photos) annually during the monitoring period summarizing the number of surviving plants, proposed remediation of any issues that have arisen (loss of plants, herbivory), and the overall success of the revegetation effort.
6. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant

may be subject to Regional Water Board enforcement actions. .

7. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address, and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

8. The Applicant shall provide photos of the completed work to the appropriate Regional Water Board staff person, in order to document compliance. The Applicant shall also provide photos of the completed work areas after the first significant rainfall event in order to ensure that erosion control has been successful.

Water Quality Certification:

I hereby issue an order [23 CCR Subsection 3831(e)] certifying that the authorized discharge from Bennett Valley Road at Holland Drive Stormwater Ditch Maintenance Project (WDID No. 1B06129WNSO) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017- DWQ, "General Waste

Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification (Enclosed).

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration:

The authorization of this certification for any dredge and fill activities expires on October 15, 2009. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify John Caleb Sarsfield of our staff at (707) 576-6728 prior to construction so that we can answer any public inquiries about the work.

Sincerely,

Catherine E. Kuhlman
Executive Officer

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cc: Mr. Oscar Balaguer, SWRCB, 401 Program Manager, Clean Water Act Section
401 Certification and Wetlands Unit Program

Mr. Bill Cox, California Department of Fish and Game, Region 3, P.O. Box 47,
Yountville, CA 94599

Mr. Philip Shannin, U.S. Army Corps of Engineers, Regulatory Branch, 333 Market
Street,
San Francisco, CA 94105

National Marine Fisheries Service, 777 Sonoma Avenue, Suite 325,
Santa Rosa, CA 95404

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